

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE PENCE,

Plaintiff(s),

No. C 07-3451 PJH

v.

ORDER OF DISMISSAL

LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON,

Defendant(s).

Counsel for both parties, having advised the court in writing that the parties have agreed to a settlement of this cause and that a stipulation of dismissal will be filed within thirty (30) days, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty (60) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

The parties may substitute a dismissal **with** prejudice simply by submitting a stipulation and order for dismissal with prejudice within sixty (60) days.

All previously scheduled dates are VACATED.

IT IS SO ORDERED.

Dated: February 29, 2008



PHYLLIS J. HAMILTON
United States District Judge